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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,262	11/26/2001	John W. Baker	100.362US01	1327

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FOGG SLIFER & POLGLAZE, P.A.  
P.O. BOX 581009  
MINNEAPOLIS, MN 55458-1009

EXAMINER

VU, PHUONG T

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 08/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/995,262

**Applicant(s)**

BAKER, JOHN W.

**Examiner**

Phuong T. Vu

**Art Unit**

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Albert et al. (US 5,006,951). Regarding claim 1, the reference discloses an adaptive module 10 comprising a backplane (not shown but inherently present), a card cage 36 attachable to the housing, an active first electronic module disposed within the card cage and electrically connected to the backplane, the active first electronic module (first of two boards 48) electrically connectable to an active second electronic module (second of two boards 48) disposed within the housing for communicating with the active second electronic module, a backup first electronic module disposed within the card cage and electrically connected to the backplane, the backup first electronic module electrically connectable to a backup second electronic module disposed within the housing for communicating with the backup second module when there is a failure within the active second electronic module and a switch/relay 58 disposed within the card cage and electrically connected to the backplane, the switch/relay adapted to enable communications between the active first electronic module and the backup second electronic module when there is a failure within the active second electronic module.

Regarding claim 2, the active first electronic module comprises a plurality of connectors 110 which mate with the backplane. The active first module is an optical transmitter/receiver and therefore would be connectable to remote equipment.

Regarding claim 3, the switch/relay comprises a plurality of circuit boards.

Regarding method claim 16, one would inherently perform the recited in assembling the module rejected above.

3. Claims 1-2, 4-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bagley (US 5,991,852). Regarding claim 1, the reference discloses an adaptive module 10 comprising a backplane (provided on board 109), a card cage 140 attachable to the housing, an active first electronic module (disk drive assembly in a first row connected to J1 on board 109) disposed within the card cage and electrically connected to the backplane, the active first electronic module electrically connectable to an active second electronic module (adjacent to first electronic module) disposed within the housing for communicating with the active second electronic module, a backup first electronic module (disk drive assembly in a third row connected to J3 on board 102) disposed within the card cage and electrically connected to the backplane, the backup first electronic module electrically connectable to a backup second electronic module disposed within the housing for communicating with the backup second module when there is a failure within the active second electronic module and a switch/relay 48, 46 disposed within the card cage and electrically connected to the backplane, the switch/relay adapted to enable communications between the active first electronic module and the backup second electronic module.

Regarding claim 2, the active first electronic module comprises a plurality of connectors which mate with the backplane. The active first module is a disk drive and is connectable to remote equipment.

Regarding claim 4, the backplane is attachable to the housing.

Regarding claim 5, the backplane is disposed in the card cage.

Regarding claims 6-8, 12 the reference discloses a housing for an electronic system comprising a first module (right side of chassis which is divided by the boards 102 and 109) comprising a first card cage, a first backplane (provided on board 109) disposed within the first module, first and second electronic modules (two disk drive assemblies in a first row connected to J1 on board 109) disposed within first card cage of the first module, each of the first and second electronic modules electrically connected to the first backplane, a second module (left side of chassis) attached to the first module, the second module comprising a second backplane (provided on board 102) and a second card cage, a third electronic module (disk drive assembly in a third row connected to J3 on board 102) disposed within the second card cage of the second module, the third electronic module electrically connected to the first electronic module and to the second backplane, a fourth electronic module disposed within the second card cage of the second module, the fourth electronic module electrically connected to the second electronic module and to the second backplane and a switch/relay 48,46 disposed within the second card cage of the second module and connected to the second backplane, the switch/relay adapted to selectively permit communication

between the third electronic module and the second electronic module when there is a failure within the first electronic module.

Regarding claims 10, 13 the second backplane is attached to the first card cage.

Regarding claims 11, 14 the second backplane is disposed within the second card cage.

Regarding claims 9, 15 the third electronic module comprises a plurality of connectors connectable to remote equipment.

Regarding method claim 16, one would inherently perform the recited in assembling the module rejected above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albert et al. (US 5,006,951). Regarding claims 4 and 5, although those skilled in the art would recognize that the above-mentioned module must provide a backplane for connected to the modules, the reference does not show the backplane or provide any details about the backplane. Those skilled in the art would recognize that it would have been obvious to provide a backplane that is attachable to the housing and that is disposed within the card cage. This is expedient in the art. The examiner takes Official Notice.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong T. Vu whose telephone number is (703) 308-0303. The examiner can normally be reached on Mon. & Tues., 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (703) 308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

PTVu

August 18, 2002